

Remarks:

1. Objections and Rejections.

Applicant acknowledges with appreciation that the Examiner indicates that claims 19 and 20 contain allowable subject matter and would be allowable if rewritten in independent form to include the limitations of their base claim and any intervening claims. Nevertheless, claims 1, 2, 6, and 7 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 4,561,510 to Sugioka et al. (“Sugioka”) or under 35 U.S.C. § 103(a), as allegedly rendered obvious by Sugioka. Moreover, claim 3 stands rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Sugioka in view of Patent No. US 6,689,961 B2 to Matsuyama et al. (“Matsuyama”); claims 4 and 5 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Sugioka in view of U.S. Patent No. 5,613,590 to Simionato; claims 9 and 10 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Sugioka in view of U.S. Patent No. 4,548,287 to Matsuura; claims 11, 12, and 14 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Sugioka in view of Haze; claim 13 under 35 U.S.C. § 103(a), as allegedly rendered obvious by Sugioka in view of Matsuura and further in view of to Haze; and claims 15-18 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Sugioka in view of U.S. Patent No. 5,765,655 to Tatsuoka. In view of the following remarks, Applicant respectfully disagrees.

1. Anticipation Rejection

As noted above, claims 1, 2, 6, and 7 stand rejected as allegedly anticipated by Sugioka. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . ‘The identical invention must be shown in as complete detail as is contained in the . . . claim.’” MPEP 2131 (emphasis added; citations omitted). In view of the following remarks, Applicant respectfully disagrees with the Examiner’s anticipation rejections based on Sugioka.

With respect to independent claim 1, the Office Action contends that Sugioka discloses each of the described elements of each claim. In particular, with respect to claim 1, the Office Action contends that Sugioka’s **Figs. 1-7**

disclose[] a feeder bowl (15), dispensing paths (14), a rotation drive (18), a dispensing head (6), a dispensing chute (62a), diversion chute (62b), weight sensors (2), weighing hoppers (3), gates (3a, 4a), vibrating unit (16), a drive unit (17), a drive motor (40), shutters (65), sensors (70), and electromagnets (164). Sugioka further discloses that the vibrating unit (16) supports the feeder bowl (15) (See Col. 3 l. 33) and that the dispensing paths are subject to up and down helical vibration (See Col 5 l. 63).

Office Action, Page 2, Lines 23-26, and Page 3, Lines 1-3. Nevertheless, the Office Action has failed to demonstrate that the Sugioka discloses “a rotation drive for rotating the one or more dispensing paths,” and the Office Action misconstrues Sugioka’s pivot member 62b as a diversion chute.

Applicant’s independent claim 1 describes:

a control unit for controlling each of:

a feeder bowl vibration device for vibrating the feeder bowl;

a rotation drive for rotating the one or more dispensing paths; and

at least one dispensing path vibration device for vibrating the one or more dispensing paths.

(Emphasis added.) According to the Office Action, Applicant’s “feeder bowl” corresponds to Sugioka’s dispersing table 15. The Office Action incorrectly asserts, however, that dispensing table 15 is supported by vibrating unit 16. Office Action, Page 3, Line 1. Instead, Sugioka states dispensing table 15 is rotated by drive unit 17 and that movable frame 30 connected to operating rods 66, together with first motor 40 of drive unit 17. Sugioka, Column 3, Lines 29-35; and Column 5, Lines 38-43. Sugioka’s dispensing bowl 14 is supported and vibrated by vibrating unit 16, but dispensing bowl 14 is separate from dispensing table 15 and dispensing bowl 14 is “fixedly supported” on mounting plate 162. Sugioka, Column 3, Lines 61-68; **Fig. 3**. Moreover, referring to **Figs. 1 and 3**, mounting plate 162 is supported by springs 165 on upper plate 121, and upper plate 121 and lower plate 122 form platform 12, which is secured to base 1 by support legs 13. Sugioka, Column 3, Lines 19-29. Thus, although dispensing bowl 14 vibrates, because it is fixed to platform 12, it does not (and cannot) rotate. Therefore, Sugioka does not disclose each and every element of Applicant’s invention, as described in claims 1, 2, 6, or 7.

In addition, the Office Action alleges that Sugioka’s pivot member 62b discloses a “diversion chute.” Nevertheless, Applicant describes “a diversion chute for directing a second

plurality of the received items away from the dispenser.” Appl’n, Para. [0011] (emphasis added). In particular, referring to **Figs. 8a and 8b**, Applicant shows a dispensing head having a recirculate door 107b that diverts items in holding chamber 1107b “away from bulk delivery apparatus 104 and onto a conveyor (not shown).” Appl’n, Para. [0050]. Sugioka, however, depicts pool hoppers 4, which dispense articles to weigh hoppers 3. Weigh hoppers 3 subsequently dispense to collecting chute 8. Sugioka, Column 2, Lines 56-65; Column 3, Lines 19-22. Sugioka does not describe a diversion chute, instead Sugioka’s apparatus “collects” all articles released from weigh hoppers 3. Sugioka, Column 3, Lines 7-10. Shutters 65, and gates 3a and 4a may delay the eventual release of items to collecting chute 8, but these elements do not divert articles from collecting chute 8. The Office Action does not allege that any other element of Sugioka discloses a diversion chute. Therefore, Sugioka does not disclose each and every element of Applicant’s invention, as described in claims 1, 2, 6, or 7. In view of the foregoing remarks, Applicant respectfully requests that the Examiner withdraw the anticipation rejections of claims 1, 2, 6, and 7.

2. Obviousness Rejections

As noted above, the Office Action alternatively rejects claims 1, 2, 6, and 7 as allegedly rendered obvious by Sugioka. Moreover, the Office Action rejects claim 3 as allegedly rendered obvious by Sugioka in view of Matsuyama; claims 4 and 5 as allegedly rendered obvious by Sugioka in view of Simionato; claims 9 and 10 as allegedly rendered obvious by Sugioka in view of Matsuura; claims 11, 12, and 14 as allegedly rendered obvious by Sugioka in view of Haze; claim 13 as allegedly rendered obvious by Sugioka in view of Matsuura and further in view of Haze; and claims 15-18 as allegedly rendered obvious by Sugioka in view of Tatsuoka. In order for the Office Action to establish a prima facie case of obviousness, at least three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference as proposed by the Examiner. Second, there must be a reasonable expectation of success. Third, the prior art references must disclose or suggest all the claim elements. MPEP 2143.

As noted above, Sugioka fails to disclose at least two elements of Applicant’s invention, as described in claim 1. The Office Action may have either overlooked or failed to appreciate their significance of the differences between Applicant’s invention, as described in claim 1, and Sugioka’s apparatus; but the Examiner does not assert that these missing elements are

disclosed or suggested by Sugioka. Therefore, Applicant respectfully requests that the Examiner withdraw the *alternative* obviousness rejection of claim 1. “If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03 (citations omitted). Because claim 2-20 depend, directly or indirectly, from independent claim 1, in view of the foregoing remarks with respect to the anticipation and obviousness rejections of claim 1, Applicant now maintains that all of the claims are allowable.

In order to base an obviousness rejection on a single reference, such as Sugioka, the Office Action must demonstrate a suggestion or motivation in Sugioka, or in the knowledge generally available to those of ordinary skill in the art, to modify Sugioka’s apparatus to achieve Applicant’s claimed invention. Sugioka states that “the articles delivered to the dispensing bowl 14 from the dispensing table 15 are gradually fed to the outer circumference of the dispensing bowl 14 by the helical vibration . . .” Sugioka, Column 5, Lines 60-63. Although Sugioka choose to rotate and vibrate dispensing table 15, Sugioka did not describe this operation with respect to the dispensing bowl. Instead, Sugioka, however, specifically describes dispensing bowl 14 as “fixedly supported” by mounting plate 162. See MPEP 2143.02 (“If the proposed modification . . . of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the reference[is] not sufficient to render the claims *prima facie* obvious.”; italics in original). Thus, Sugioka choose different modes of operation for dispensing table 15 and dispensing bowl 14. Therefore, Applicant maintains that Sugioka alone cannot support an obviousness rejection of claim 1.

Applicant has reviewed the other references cited by the Office Action in support of the obviousness rejections of claims 3-5 and 8-18, and none of these references appears to disclose or suggest “a rotation drive for rotating the one or more dispensing paths” or a diversion chute, as described in claim 1. Therefore, none of these references supplies the elements of claim 1 that are missing from Sugioka. Moreover, to the extent that the Examiner believes that one or more of these references suggest the missing elements of Sugioka, the Examiner also demonstrate a suggestion or motivation to modify Sugioka to include the missing elements.

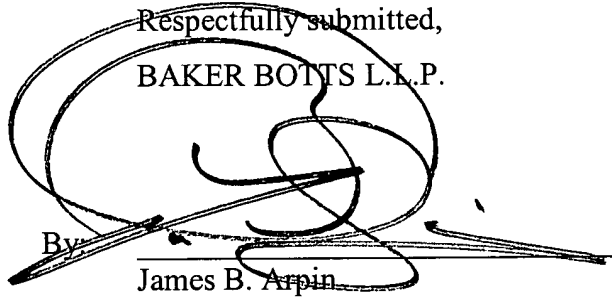
Conclusion:

Applicant maintains that the above-captioned patent application now is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicant's representative, we would welcome the opportunity to do so.

Respectfully submitted,
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